

**UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: DANIEL CALDERONE, JR.  
AKA: DANIEL CALDERONE  
MARIA EMILIA CALDERONE  
AKA: MARIA CALDERONE, MARIA E.  
CALDERONE

CHAPTER 13

CASE NO: 5-23-00242-MJC

Debtor(s)

JACK N. ZAHAROPOULOS  
CHAPTER 13 TRUSTEE  
Movant

vs.

DANIEL CALDERONE, JR.  
AKA: DANIEL CALDERONE  
MARIA EMILIA CALDERONE  
AKA: MARIA CALDERONE, MARIA E.  
CALDERONE

Respondent(s)

**TRUSTEE'S MOTION TO DISMISS CASE**

AND NOW, on May 15, 2023, comes Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania, through his attorney Agatha R. McHale, Esquire, and respectfully represents the following:

1. A Plan was filed on February 3, 2023.
2. A hearing was held and an Order was entered on April 27, 2023 directing that an amended plan be filed within fourteen (14) days.
3. As of the date of this Motion, an amended plan has not been filed.
4. The delay in filing a confirmable plan in this case is prejudicial to creditors.

WHEREFORE, your Trustee respectfully requests your Honorable Court dismiss the case upon the basis that Debtors have failed to propose a confirmable plan.

Respectfully submitted,

/s/ Agatha R. McHale, Esquire

Id: 47613

Attorney for Movant

Jack N. Zaharopoulos

Standing Chapter 13 Trustee

Suite A, 8125 Adams Drive

Hummelstown, PA 17036

Phone: 717-566-6097

email: amchale@pamd13trustee.com

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**NOTICE**

NOTICE IS HEREBY GIVEN that Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss for failure to file a confirmable Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a hearing has been scheduled on this matter for:

U.S. Bankruptcy Court  
Max Rosenn U.S. Courthouse  
Courtroom #2  
197 S. Main Street  
Wilkes Barre, PA

Date: June 15, 2023

Time: 10:00 AM

Any objection or response filed must be filed with the Clerk, U.S. Bankruptcy Court and served on the Chapter 13 Trustee.

Date: May 15, 2023

/s/ Agatha R. McHale, Esquire  
Id: 47613  
Attorney for Trustee  
Jack N. Zaharopoulos  
Standing Chapter 13 Trustee  
Suite A, 8125 Adams Dr.  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
email: [info@pamd13trustee.com](mailto:info@pamd13trustee.com)

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**CERTIFICATE OF SERVICE**

I certify that I am more than 18 years of age and that on May 15, 2023, I served a copy of this Motion to Dismiss, Notice and Proposed Order on the following parties by 1<sup>st</sup> Class mail from Hummelstown, PA, unless served electronically.

Served electronically

VINCENT RUBINO, ESQUIRE  
712 MONROE STREET  
P.O. BOX 511  
STROUDSBURG, PA 18360-0511

UNITED STATES TRUSTEE  
1501 NORTH 6TH STREET  
BOX 302  
HARRISBURG, PA 17102

Served by 1<sup>st</sup> Class Mail

DANIEL CALDERONE, JR.  
2337 SOUTHRIDGE DRIVE  
EAST STROUDSBURG, PA 18302

I certify under penalty of perjury that the foregoing is true and correct.

Date: May 15, 2023

/s/ Vickie Williams  
Office of Standing Chapter 13 Trustee  
Jack N. Zaharopoulos  
Suite A, 8125 Adams Dr.  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
email: [info@pamd13trustee.com](mailto:info@pamd13trustee.com)

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**ORDER DISMISSING CASE**

Upon consideration of the Trustee's Motion to Dismiss, it is hereby Ordered that the above-captioned bankruptcy be and hereby is dismissed. The Court retains jurisdiction to rule on any timely filed fee application.